



# Commission of Correction

**THOMAS A. BEILEIN**  
Chairman

**THOMAS J. LOUGHREN**  
Commissioner

**ALLEN RILEY**  
Commissioner

February 27, 2018

Sheriff Patrick Russo  
Rensselaer County Sheriff's Office  
4000 Main Street  
Troy, New York 12180

## Re: Minimum Standards Evaluation–2017

Dear Sheriff Russo:

An evaluation of the Rensselaer County Jail was conducted by Commission staff members Deane McGeary and Michelle Crane on August 4, 2017, August 7-8, 2017, and August 10, 2017. The Minimum Standards evaluated were Part 7002, Admissions; Part 7005, Prisoner Personal Hygiene; Part 7013, Classification; Part 7016, Commissary and Inmate Accounts; Part 7022, Reportable Incidents; Part 7024, Religion; Part 7025, Packages; Part 7028, Exercise; Part 7031, Legal Services; Part 7039, Fire Prevention and Safety; Part 7040, Maximum Facility Capacity; and Correction Law § 611 / 9 NYCRR §7000.1(e).

Findings based upon Commission staff's compliance assessment of the above standard elements are outlined in the attached report. These findings were brought to the attention of Undersheriff [REDACTED] Jail Administrator, Chief [REDACTED] and Captain [REDACTED] at an exit briefing that took place on August 10, 2017.

In accordance with Section 46(1) of Correction Law, a response to this evaluation is required and is requested by no later than **March 27, 2018**. Such response shall include actions taken or to be taken to address the findings contained within this report.

Please be advised that subsequent follow-up visits from this office may be unannounced.

I would like to take this opportunity to thank you and your staff for the courtesy and cooperation extended to my staff during the visit

Sincerely,

A handwritten signature in black ink that reads "Thomas A. Beilein".

Thomas A. Beilein  
Chairman

cc: Chief [REDACTED] Jail Administrator

**MINIMUM STANDARDS EVALUATION  
Rensselaer County Jail  
August 2017**

Below are the results of Commission staff's evaluation of the Rensselaer County Jail.

**PART 7002 ADMISSIONS**

**Section 7002.3(b) Identification**

**Findings:** Commission staff found that when an already-incarcerated prisoner is sentenced for a misdemeanor or felony, they are not being fingerprinted again per the Division of Criminal Justice Services' requirements.

**Action Required:** **The facility shall ensure that all prisoner fingerprints shall be taken in accordance with the rules and methods prescribed by the Division of Criminal Justice Services.**

**PART 7005 PRISONER PERSONAL HYGIENE**

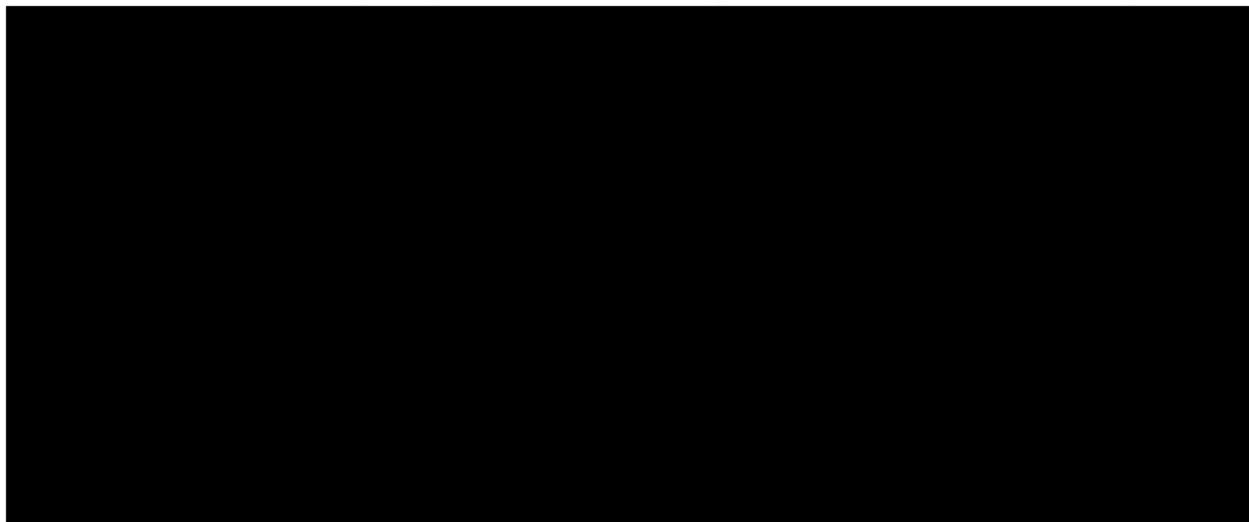
**Findings:** Commission staff found no violations while reviewing this Part.

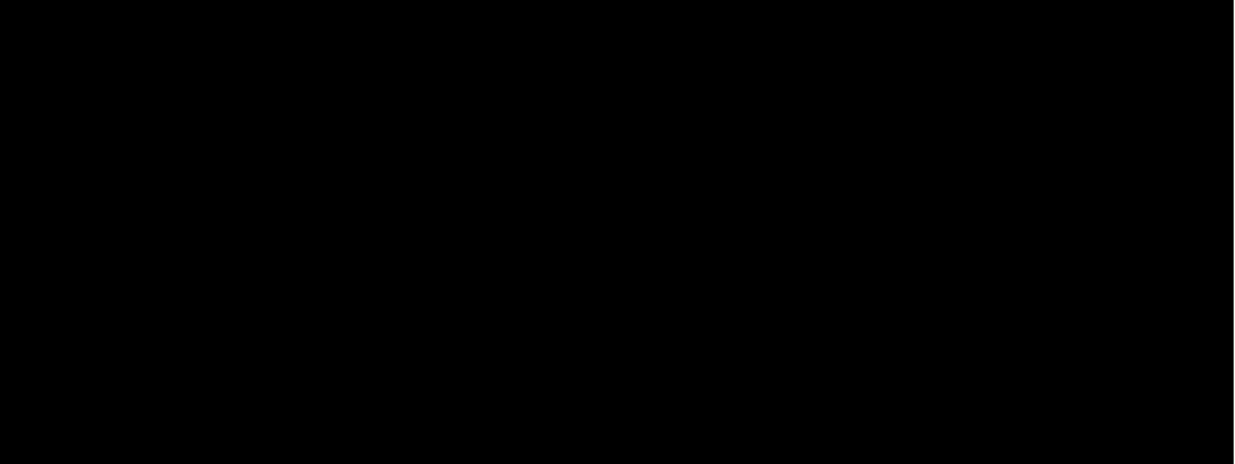
**PART 7013 CLASSIFICATION**

**Section 7013.3 Policy**

**Findings:** Commission staff discussed classification procedures with facility staff and noted that they were unaware of the existence of a classification manual for reference in conjunction with the facility's classification policy. Prior to conclusion of the evaluation, staff assigned to perform duties related to sections 7013.8 and 7013.9 were provided with copies of the manual.

**Status:** Closed





#### Sections 7013.8(f), 7013.9(b) Notification Requirements

**Findings:** Prior to this year, the Commission permitted facilities to obtain signatures from inmates indicating that their classification was reviewed and explained to them. To comply with these sections, the Commission now requires that inmates receive a written notice and explain its implications. Prior to issuance of this report, the facility provided the Commission with information indicating that it now notifies all inmates of their initial classification and any subsequent changes to their classification.

**Status:** Open pending on-site verification.

#### Sections 7013.9(a) Classification Reviews

**Findings:** Commission staff cross-referenced reportable incidents documenting inmate involvement in conduct that threatened the safety, security or good order of the facility with classification records and found that classification reviews were not being conducted as required by this section.

**Action Required:** **The facility administration shall take corrective action to ensure that classification reviews are completed whenever an inmate is involved in a serious unusual incident or exhibits adjustment problems which threaten his/her safety or the safety, security or good order of the facility.**

#### Section 7013.12(c) Transfer of records

**Findings:** Review of classification related policies indicated that it did not address the requirements of this section and Part 7033 Transfer of Records as it pertains to NYSDOCCS and substitute jail orders to other facilities.

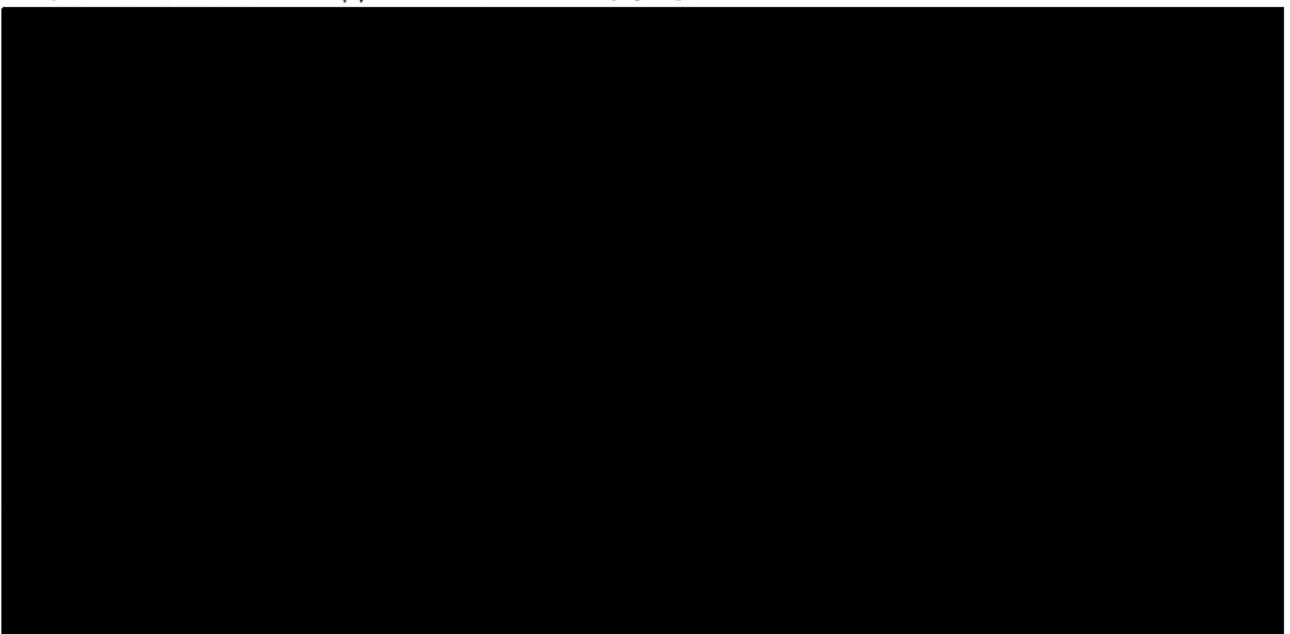
**Action Required:** **The facility administration shall take corrective action to amend relevant facility policy to address the requirements of section 7013.12(c) and Part 7033 Transfer of Records.**

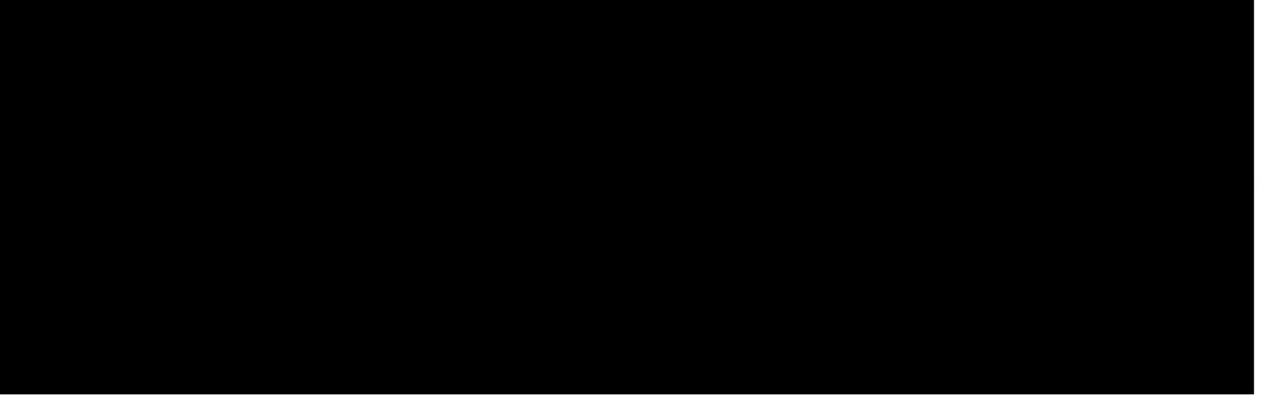
### **CORRECTION LAW 500-b, 500-c**

Section 500-b of Correction Law addresses the housing of inmates within local correctional facilities and specifically charges the Chief Administrative Officer with the responsibility of exercising "good judgement and discretion and taking all reasonable steps to ensure that the assignment of inmates to housing fosters the safety, security and good order of the jail and affords appropriate precautions for the personal safety and welfare of inmates with particular attention to those who are known to be vulnerable to assault or any physical or mental abuse."

Section 500-c of Correction Law further establishes these rights and responsibilities by requiring the chief administrative officer to "receive and safely keep" each person lawfully committed to his or her custody. In order to accomplish this objective, an appropriate combination of security (physical plant features, devices and procedures) and inmate supervision must exist.

Although Correction Law and Minimum Standards, Part 7013 reference conditions that would allow county facilities to operate a four-category classification system, with few exceptions, assigning housing solely according to this schematic absent an appropriate increase in supervision is inadequate for purposes of complying with Correction Law. This is due to the probability that inmates having a known propensity for violence and predatory conduct may still be commingled with non-violent offenders. To mitigate this risk, the Commission has interpreted §500-b(7) to necessarily imply that all facilities must further subdivide the four main classification categories into a minimum of two custody levels whereby the custody level with the highest security risk is physically separated from the custody level having the lowest security risk. In the case of special needs populations, commingling of custody levels is permitted only in circumstances where the need for placement in special needs housing supersedes the need to assign inmates to housing according to their custody level. This classification paradigm is viewed by the Commission as a tried and tested approach toward complying with Correction Law.





## PART 7016 COMMISSARY AND INMATE ACCOUNTS

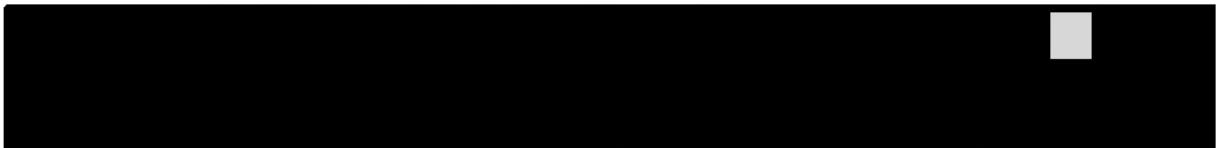
### Section 7016.1(c) Commissary

**Findings:** Commission staff found that the following items were being purchased with commissary profits: peanut butter crackers for diabetics (if medical staff state that the diabetics require these, then the facility must pay for them); legal pads are being purchased and sheets of paper are being torn out to give to indigent inmates; shelving to store inmate clothing; both black pens and typewriter supplies (facility must supply one and the other can be purchased using commissary funds). Commissary profits cannot be utilized for items that the facility is required to provide at facility expense.

**Action Required:** The facility administration shall immediately discontinue purchasing the above-noted items with commissary profits. Further, the facility administration shall ensure that profits resulting from commissary sales are utilized only for the purpose of inmate welfare and rehabilitation.

### Section 7016.2(e)(1)(2)(3)(4) Inmate Accounts

**Findings:** Commission staff found that there was no notice conspicuously posted by, on, or proximate to the kiosk advising members of the public: the amount of any service fee associated with depositing money into an inmate's account; and what acceptable funds



mailed into an inmate in a correspondence or package will be deposited into the intended inmate's institutional fund account without the imposition of a service fee; the facility policy regarding the acceptance of cash, checks, money orders and other instruments of payment; and any other facility rule or regulation concerning inmate account deposits which, in the opinion of the chief administrative officer, should be so conveyed to the public. Prior to completion of the evaluation, the facility administration took corrective action by posting a sign next to the kiosk.

**Status:** Closed

### **PART 7022 REPORTABLE INCIDENTS**

#### Section 7022.6 Maintenance of Reportable Incident Information

**Findings:** Commission staff found that facility policy referenced that only reports that are completed and prepared by command staff are to be maintained. This section of the standard requires the facility to maintain reports and supplementary information prepared by all staff. It should be noted that facility practice was consistent with the requirements of this section.

**Action Required:** The facility administration shall update the current policy to ensure that all completed reports and supplementary information prepared by all facility staff pertaining to reportable incidents are maintained.

### **PART 7024 RELIGION**

#### Section 7024.1 Policy

**Findings:** Commission staff found that the facility does not have a written policy for Religion. Prior to issuance of this report, the facility administration took corrective action by creating a policy.

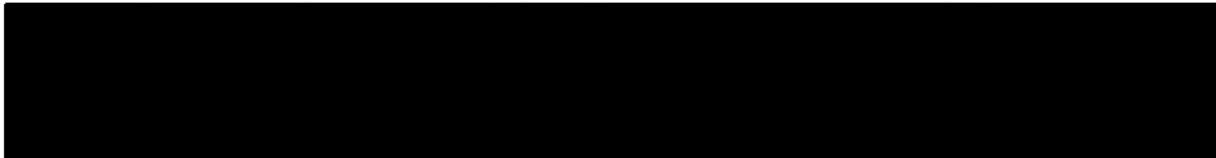
**Status:** Closed

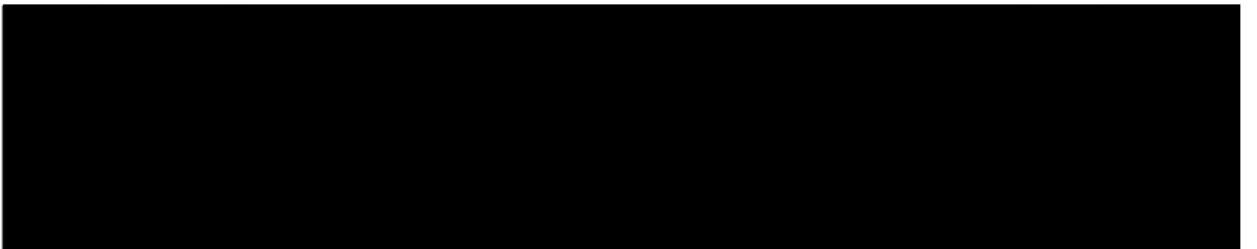
### **PART 7025 PACKAGES**

#### Section 7025.3(a) Outgoing Prisoner Packages

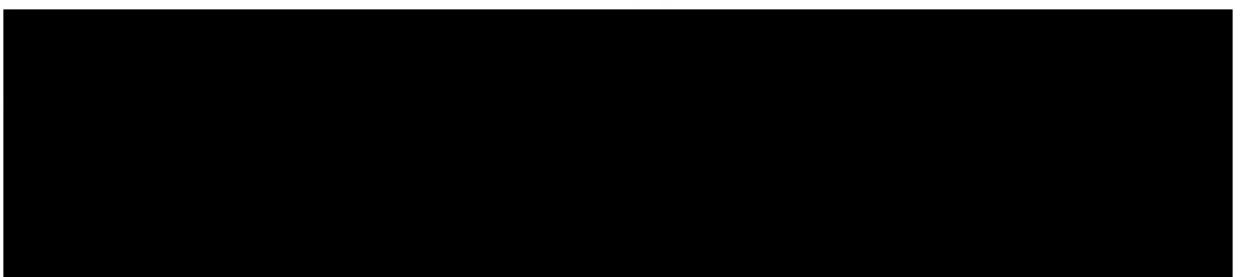
**Findings:** Commission staff found that the current facility policy did not address that any items which a prisoner sends from a facility shall be packaged in the presence of the prisoner and under the supervision of facility staff. Prior to issuance of this report, the facility administration took corrective action by updating the facility policy.

**Status:** Closed





#### PART 7028, EXERCISE



#### PART 7031 LEGAL SERVICES

##### Section 7031.1 Policy

**Findings:** Commission staff found that the facility did not have a policy addressing the elements of the standard to include mutual prisoner legal assistance and the elements of pro se inmates with respect to sufficient access to reference materials and photocopies.

Prior to issuance of this report, the facility administration took corrective action by updating the facility policy.

**Status:** Closed

**PART 7039 FIRE PREVENTION AND SAFETY**

**Findings:** Commission staff found no violations while reviewing this Part.

**PART 7040 MAXIMUM FACILITY CAPACITY**

**Findings:** Commission staff found no violations while reviewing this Part.

**CORRECTIONS LAW §611, 9 NYCCR §7000.1(e)**

**Findings:** Commission staff found no violations while reviewing this part.



## Commission of Correction

THOMAS A. BEILEIN  
Chairman

THOMAS J. LOUGHREN  
Commissioner

January 31, 2017

Sheriff Patrick A Russo  
Rensselaer County Correctional Facility  
4000 Main Street  
Troy, New York 12180

### Re: Response to Minimum Standard Evaluation

Dear Sheriff Russo,

The Commission of Correction is in receipt of your October 5, 2016 response to the evaluation that was conducted at the Rensselaer County Jail from March 15-18, 2016. Commission staff has reviewed this response and I offer the following comments:

#### Part 7008 Visitation

##### Section 7008.7(d) Visitation Security and Supervision

**Action Required:** The facility shall omit all references to a six-month ban following the release of a prior inmate in regards to visitation within the policy(s), public handouts, inmate rule book, and departmental website.

**Facility Response:** Your response indicates that the facility visitor information guide, inmate rule book and website have been updated to reflect elimination of verbiage referencing six month ban on visitation privileges for former inmates convicted of contraband violation(s) during a previous incarceration.

**Response Assessment:** The action taken by the facility is deemed acceptable. The issue is **CLOSED**.

#### Part 7032 Grievance Program

##### Section 7032.4 (d) Facility Program Requirements

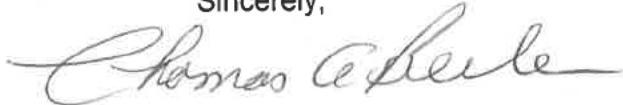
**Action Required:** The facility staff shall make SCOC grievance forms readily available so that an inmate may file a grievance. The facility may utilize an informal process, but must provide an inmate with a formal grievance form within twenty-four (24) hours following a request at any time during the process. Further, the facility shall remove from any operational document language that requires inmates to participate in the informal resolution of complaints.

**Facility Response:** Your response indicates, while informal attempts to resolve grievances are encouraged, inmates are readily provided grievance forms as requested. All references requiring participation in an informal process shall be removed from operational documentation.

**Response Assessment:** The action taken by the facility is deemed acceptable. The issue is **CLOSED.**

The Commission would like to thank you and your staff for the attention and response given to the above issues. In the event that Commission staff can be of assistance to you or your staff, please contact my office.

Sincerely,



Thomas A. Beilein  
Chairman

cc: Chief [REDACTED]



## Commission of Correction

**ALLEN RILEY**  
Chairman

**THOMAS J. LOUGHREN**  
Commissioner

April 11, 2018

Sheriff Patrick A. Russo  
Rensselaer County Sheriff's Office  
4000 Main Street  
Troy, New York 12180

### **RE: 2017 Minimum Standards Evaluation**

Dear Sheriff Russo:

The Commission of Correction is in receipt of your response to the evaluation that was conducted at the Rensselaer County Correctional Facility on August 4, 7, 8 and 10, 2017. Commission staff have reviewed this response for purposes of assessing the facility administration's progress toward addressing the issues identified. The following is a status summary of each issue.

#### **Part 7002 ADMISSIONS**

##### **Section 7002.3(b) Identification**

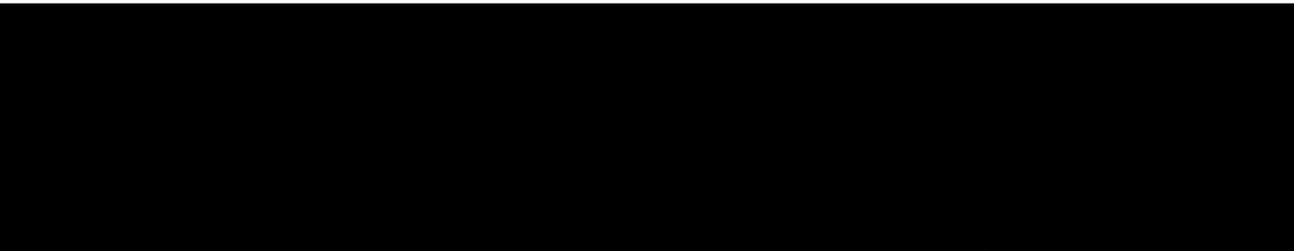
**Action Required:** The facility shall ensure that all prisoner fingerprints shall be taken in accordance with the rules and methods prescribed by the Division of Criminal Justice Services.

**Facility Response:** Facility staff that are assigned to the booking area have been instructed to ensure compliance with sentencing fingerprints as required by the NYS Division of Criminal Justice Services. The facility's classification/inmate records coordinator staff will review all re-books to ensure compliance. Classification receives updated criminal histories through the E-justice portal upon fingerprint sentencing input. Command and supervisory staff will continue to monitor to ensure compliance.

**Response Assessment:** The facility response is acceptable.

**Status:** Open pending site verification.

#### **PART 7013 CLASSIFICATION**





#### Section 7013.8(f), 7013.9(b) Notification Requirements

**Findings:** Prior to this year, the Commission permitted facilities to obtain signatures from inmates indicating that their classification was reviewed and explained to them. To comply with these sections, the Commission now requires that inmates receive a written notice and explain its implications. Prior to issuance of this report, the facility provided the Commission with information indicating that it now notifies all inmates of their initial classification and any subsequent changes to their classification.

**Facility Response:** The facility administration updated and provided a draft of facility policy which includes language addressing this requirement.

**Response Assessment:** The facility response is acceptable.

**Status:** Open pending policy finalization and implementation.

#### Section 7013.9(a) Classification Reviews

**Action Required:** The facility administration shall take corrective action to ensure that classification reviews are completed whenever an inmate is involved in a serious unusual incident or exhibits adjustment problems which threaten his/her safety or the safety, security or good order of the facility.

**Facility Response:** The facility administration updated and provided a draft of facility policy which includes language addressing this requirement.

**Response Assessment:** The facility response is acceptable.

**Status:** Open pending policy finalization and implementation.

**Section 7013.12(c) Transfer of Records**

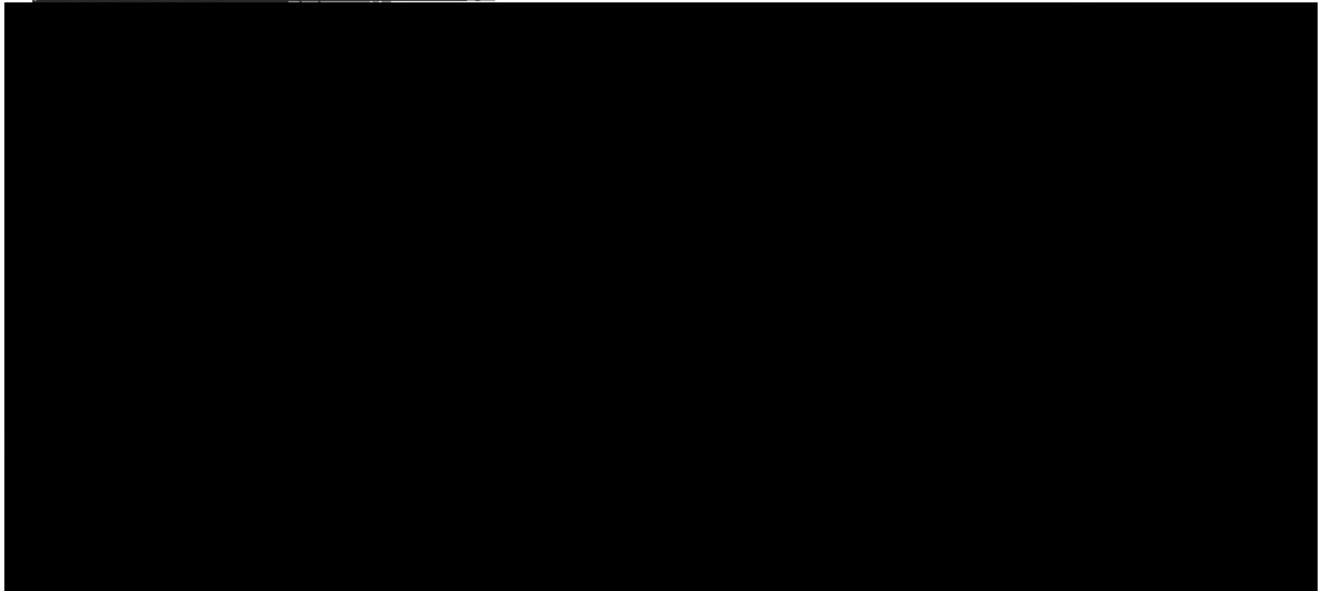
**Action Required:** The facility administration shall take corrective action to amend relevant policy to address the requirements of section 7013.12(c) and Part 7033 Transfer of Records.

**Facility Response:** The facility administration updated and provided a draft of facility policy which includes language addressing this requirement.

**Response Assessment:** The facility response is acceptable.

**Status:** Open pending policy finalization and implementation.

**CORRECTION LAW 500-B, 500-C**



**PART 7016 COMMISSARY AND INMATE ACCOUNTS**

**Section 7016.1(c) Commissary**

**Action Required:** The facility administration shall immediately discontinue purchasing peanut butter crackers for diabetics; legal pads to tear sheets of paper out to give to indigent inmates; shelving to store inmate clothing, and both black pens and typewriter supplies (facility must supply one and the other can be purchased using commissary funds) with commissary profits. Further, the facility administration shall ensure that profits resulting from commissary sales are utilized only for the purpose of inmate welfare and rehabilitation.

**Facility Response:** The facility will not purchase these or similar items with commissary profit funds in the future, and moving forward, will consult directly with Commission staff on any purchases that the facility feels may require interpretation prior to purchase.

**Response Assessment:** The facility response is acceptable.

**Status:** Open pending site verification.

**PART 7022 REPORTABLE INCIDENTS**

**Section 7022.6 Maintenance of Reportable Incident Information**

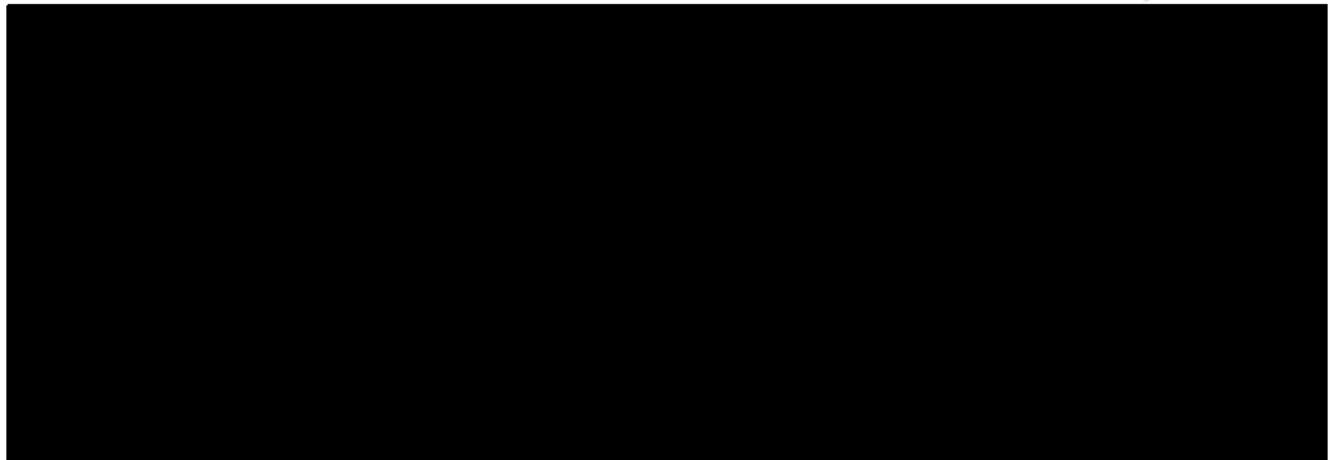
**Action Required:** The facility administration shall update the current policy to ensure that all completed reports and supplementary information prepared by all facility staff pertaining to reportable incidents are maintained.

**Facility Response:** The policy has been updated for the review and assessment of reportable incidents as per the findings in 7022.6. A copy of the policy was provided with the facility response.

**Response Assessment:** The facility response is acceptable.

**Status:** Closed

**PART 7028 EXERCISE**



The efforts of you and your staff in addressing these Minimum Standard deficiencies is greatly appreciated.

Sincerely,

A handwritten signature in cursive ink that appears to read "Allen Riley".

Allen Riley  
Chairman

cc: Chief [REDACTED] Jail Administrator



ALLEN RILEY  
Chairman

## Commission of Correction

THOMAS J. LOUGHREN  
Commissioner

August 8, 2018

Sheriff Patrick A. Russo  
Rensselaer County Sheriff's Office  
4000 Main Street  
Troy, New York 12180

### RE: Minimum Standard Evaluation at the Rensselaer County Jail

Dear Sheriff Russo:

An evaluation of the Rensselaer County Jail was conducted by Commission staff members Michelle Crane and Deane McGahey on June 25, 2018 through June 28, 2018. The following Standards were evaluated: Part 7003, Security and Supervision; Part 7006, Discipline; Part 7008, Visitation; Part 7009, Food Services; Part 7015, Sanitation; Part 7017, Personnel Standards; Part 7023 Access to Media; Part 7026, Printed Materials and Publications, Part 7032, Grievance Program; and Part 7063, Chemical Agents.

Findings based upon Commission staff's compliance assessment of the above standard elements are outlined in the attached report. These findings were brought to attention of yourself, Chief [REDACTED] Captain [REDACTED] and Lieutenant [REDACTED] at an exit interview that took place at the conclusion of the evaluation.

In accordance with Section 46(1) of Correction Law, a response to this evaluation is required and is requested by no later than **September 14, 2018**. Such response shall include actions taken or to be taken to address the findings contained within this report.

Please be advised that subsequent follow-up visits from this office may be unannounced. I would like to take the opportunity to thank you and your staff for the courtesy and cooperation extended to my staff during the visit.

Sincerely,

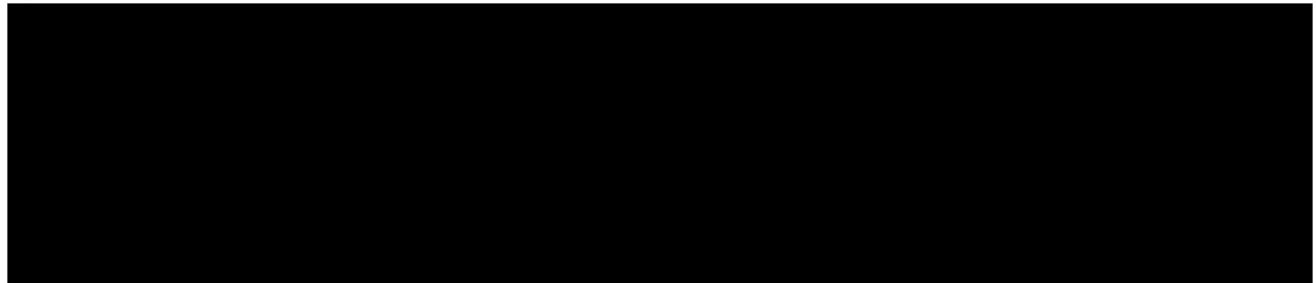
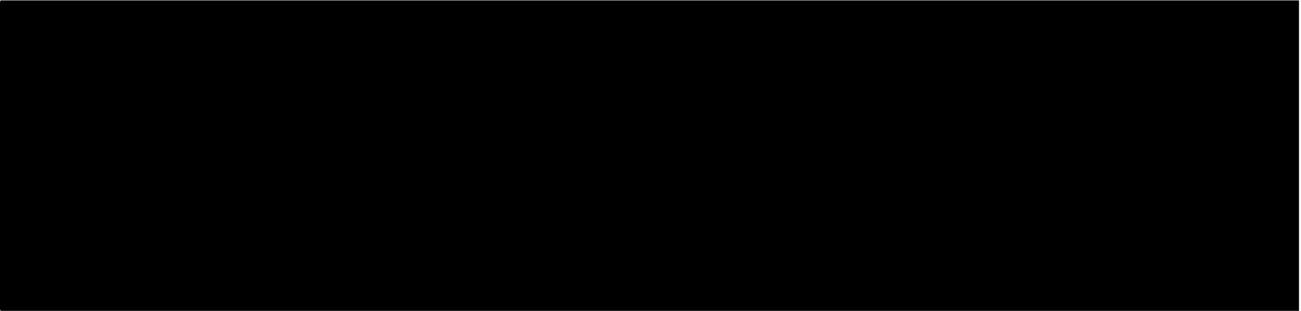
Allen Riley  
Chairman

cc: [REDACTED] Jail Administrator

**MINIMUM STANDARDS EVALUATION  
RENSSLAER COUNTY JAIL  
JUNE 2018**

Below are the results of Commission staff's evaluation of the Rensselaer County Jail.

**Part 7003 Security and Supervision**



**Part 7006 Discipline**

**Findings:** Commission staff found no violations while reviewing this part.

**Part 7008 Visitation**

**Findings:** Commission staff found no violations while reviewing this part.

**Part 7009 Food Services**

**Findings:** Commission staff found no violations while reviewing this Part.

**Part 7015 Sanitation**

**Findings:** Commission staff found no violations while reviewing this Part.

**Part 7017 Personnel Standards**

**Findings:** Commission staff found no violations while reviewing this Part.

**Part 7023 Access to Media**

**Findings:** Commission staff found no violations while reviewing this part.

**Part 7026-Printed Materials and Publications**

**Findings:** Commission staff found no violations while reviewing this Part.

**Part 7032 Grievance Program**

**Section 7032.11 Staff Orientation**

**Findings:** Commission staff found that civilian staff were not receiving an orientation to the grievance program. Prior to the exit interview, the facility administration wrote a directive regarding the orientation to the grievance program that civilian staff must receive and disseminated it to all staff.

**Status:** Closed.

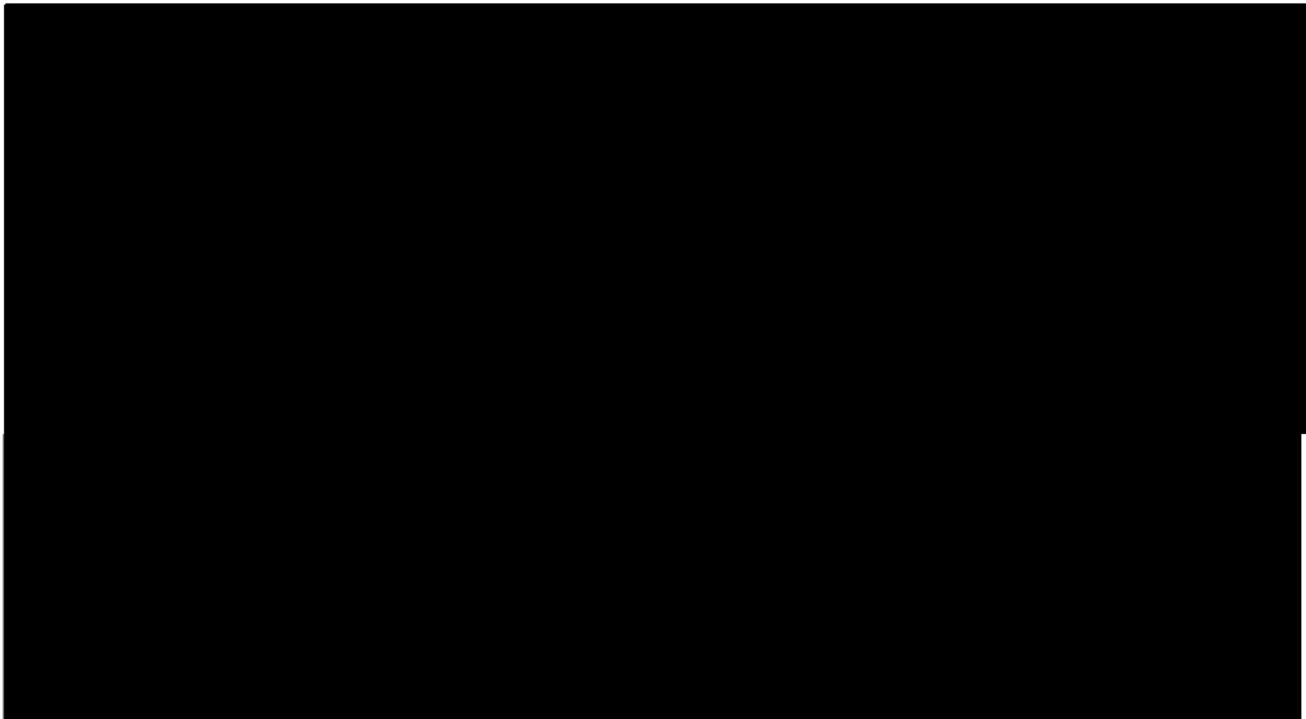
**Part 7063 Chemical Agents**

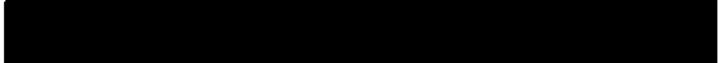
**Findings:** Commission staff found no violations while reviewing this Part.

**Minimum Standards Evaluation Follow-up  
Rensselaer County Jail**

Commission staff assessed the facility administration's progress toward addressing deficiencies identified during the 2017 Minimum Standards Evaluation and determined that with the exception to the following, all other issues have been addressed and are now deemed closed.

**Part 7013 Classification**





**Section 7013.12 Transfer of Records**

**Action Required:** The facility administration shall take corrective action to amend relevant policy to address the requirements of section 7013.12(c) and Part 7033, Transfer of Records.

**Findings:** Commission staff found that the facility has made the required changes.

**Status:** Open pending implementation.

**Correction Law 500-b, 500-c**

